

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEWITT THOMAS SMITH, JR.,

Plaintiff,

v.

JOHN SHANNON, et al.,

Defendants.

CIVIL ACTION NO. 3:05-CV-2112

(JUDGE CAPUTO)

MEMORANDUM

Plaintiff Dewitt Thomas Smith, Jr., filed the present action on May 14, 2005 in the United States District Court for the District of Columbia. (Doc. 1.) Simultaneously, Plaintiff filed an Application To Proceed In Forma Pauperis (Doc. 2) and was granted *in forma pauperis* status by the District of Columbia court (Doc.3). Subsequently, the District of Columbia court transferred the case to this Court. *Id.* The Court notes that in his Application To Proceed In Forma Pauperis, Plaintiff inaccurately reported that he did not have three or more actions *in forma pauperis* dismissed as frivolous, malicious or for failure to state a claim upon which relief may be granted. (Doc.2.)

On February 10, 2003, in connection with another case, the Court prohibited Mr. Smith from filing any new actions *in forma pauperis* unless he met the statutory exceptions outlined in 28 U.S.C. § 1915(g). *Smith v. Equil Bank & President*, No. 3:03-CV-0006 (M.D. Pa. Feb. 10, 2003). The Court reiterated the prohibition on October 25, 2004. *Smith v. United States Army*, No. 3:04-CV-2308 (M.D. Pa. Oct. 25, 2004). In the present action, Mr. Smith has not alleged any imminent danger of serious physical injury. As such, the Court finds that, consistent with its previous Orders and § 1915(g),

Mr. Smith does not qualify for *in forma pauperis* status. Accordingly, the Court will revoke his *in forma pauperis* status.

An appropriate Order shall follow.

November 8, 2005
Date

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge

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ORDER

NOW, this 8th day of November, 2005, **IT IS HEREBY ORDERED** that:

- (1) Plaintiff's *in forma pauperis* status is **REVOKED**.
- (2) Plaintiff has thirty (30) days to pay the filing fee.
- (3) The Clerk of the Court shall mark this case **CLOSED** if payment is not received within thirty (30) days of the date of this Order.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge